

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

Martin E. Gillen,

Case No. 2:23-cv-01130-GMN-EJY

Plaintiff,

**ORDER**

v.

Calvin Johnson, *et al.*,

Defendants.

On July 18, 2023, Plaintiff, an inmate in the custody of the Nevada Department of Corrections, submitted a Civil Rights Complaint under 42 U.S.C. § 1983 (ECF No. 1-1); however, Plaintiff neither paid the \$402 filing fee for a civil action nor filed an application to proceed *in forma pauperis*.

Under 28 U.S.C. § 1915(a) and Local Rule LSR 1-2, Plaintiff may apply for *in forma pauperis* status, which would allow him to file his civil action without prepaying the \$402 filing fee if he submits **three** of the required documents to the Court including: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3), (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**.

Accordingly, IT IS HEREBY ORDERED that on or before **September 1, 2023**, Plaintiff must either pay the \$402 filing fee for a civil action or file with the Court: (1) a complete **Application to Proceed in Forma Pauperis for Inmate** on the Court's approved form; (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**.

IT IS FURTHER ORDERED that failure to either pay the \$402 filing fee or file a complete application to proceed *in forma pauperis* on or before **September 1, 2023**, will result in a recommendation to dismiss this action **without prejudice**. A dismissal without prejudice allows

1 Plaintiff to file his case with the Court, under a new case number, when he is able to comply with  
2 LSR 2-1 and file a complete application to proceed *in forma pauperis* or pay the required filing fee.

3 IT IS FURTHER ORDERED that the Court will retain Plaintiff's Complaint (ECF No. 1-1),  
4 but will not file it at this time.

5 IT IS FURTHER ORDERED that the Clerk of the Court must send Plaintiff the approved  
6 form application to proceed *in forma pauperis* for inmate along with the information and instructions  
7 for filing the same.

8 DATED this 2nd day of August, 2023.

9  
10   
11 ELAYNA J. YOUCHAK  
12 UNITED STATES MAGISTRATE JUDGE  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28